

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

LARRY GENE MOORE,	)	NO. CV-09-5021-JPH
	)	
	)	ORDER ADOPTING REPORT
Petitioner,	)	AND RECOMMENDATION TO
	)	DENY WRIT OF HABEAS CORPUS
v.	)	
	)	
JANE PARNELL,	)	
	)	
	)	
Respondent.	)	
_____	)	

**BEFORE THE COURT** for resolution is the Report and Recommendation entered on August 14, 2009 (**Ct. Rec. 17**), recommending that the Petition for a Writ of Habeas Corpus be (**Ct. Rec. 1, 6**) be **denied**. On August 31, 2009, Mr. Moore timely filed objections. (Ct. Rec. 18.)

In his objections, Mr. Moore argues the untimeliness of the response to his petition required an order of default. (Ct. Rec. 18.) Mr. Moore's objections restate the arguments contained in his habeas petition. For the reasons stated in the magistrate judge's report, the Court finds this claim is without merit. Having reviewed the report and recommendation, the Court adopts the magistrate judge's report and recommendation in its entirety.

**IT IS HEREBY ORDERED** that the Report and Recommendation (**Ct. Rec. 17**) to deny the Petition for a Writ of Habeas Corpus is **ADOPTED in its entirety**.

1       **IT IS SO ORDERED.** The District Court Executive is directed  
2 to enter this Order and an Order of Judgment, forward copies to  
3 Mr. Moore and to respondent's counsel, and close the file.

4       DATED this 4<sup>th</sup> day of September, 2009.

5  
6                       S/ Robert H. Whaley

7                       ROBERT H. WHALEY  
8                       SENIOR UNITED STATES DISTRICT JUDGE

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